

MESSAGE NO: 9278202 MESSAGE DATE: 10/05/2009

MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: LIQ-Liquidation PUBLIC ☒ NON-PUBLIC ☐
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE 3043204
MESSAGE #
(s):

CASE #(s): A-428-815

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 01/01/2000 TO 07/31/2003

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: LIQUIDATION INSTRUCTIONS FOR CORROSION-RESISTANT CARBON STEEL FLAT
PRODUCTS FROM GERMANY MAN OR EXPT BY THYSSENKRUPP STAHL AG (A-428-815);
CT# 01-00010

MESSAGE NO: 9278202

DATE: 10 05 2009

CATEGORY: ADA

TYPE: LIQ

REFERENCE: 3043204

REFERENCE DATE: 02 12 2003

CASES: A - 428 - 815

- -

- - - -
- - - -

PERIOD COVERED: 01 01 2000 TO 07 31 2003

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS
PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: LIQUIDATION INSTRUCTIONS FOR CORROSION-RESISTANT
CARBON STEEL FLAT PRODUCTS FROM GERMANY MAN OR EXPT
BY THYSSENKRUPP STAHL AG (A-428-815); CT# 01-00010

1. ON 06/09/2004, THE U.S. COURT OF INTERNATIONAL TRADE (CIT)
ISSUED A FINAL DECISION IN THE CASE OF USINOR, BEAUTOR,
HAIRONVILLE, SOLLAC ATLANTIQUE, SOLLAC LORRAINE, AND USINOR
STEEL CORP. V. UNITED STATES, COURT NO. 01-00010.

AS A RESULT OF THIS DECISION, THE INJUNCTION TO WHICH MESSAGE
NUMBER 3043204 (DATED 02/12/2003) REFER ENJOINING LIQUIDATION OF
ENTRIES WHICH ARE SUBJECT TO THE ANTIDUMPING DUTY ORDER ON

CERTAIN CORROSION-RESISTANT CARBON STEEL FLAT PRODUCTS FROM GERMANY FOR PERIOD 01/01/2000 THROUGH 07/31/2003 MANUFACTURED OR EXPORTED BY THYSSENKRUPP STAHL AG DISSOLVED ON 08/08/2004.

NOTE THAT THE INJUNCTION REFERENCED IN MESSAGE 3043204 AFFECTED SOME OR ALL OF THE PERIODS OF REVIEW REFERENCED IN MESSAGES 2123202 (DATED 05/03/2002), 2331204 (DATED 11/27/2002), 3041204 (DATED 2/10/2003), 3066205 (DATED 03/07/2003), AND 4078201 (DATED 03/18/2004).

2. FOR ALL SHIPMENTS OF CERTAIN CORROSION-RESISTANT CARBON STEEL FLAT PRODUCTS FROM GERMANY MANUFACTURED OR EXPORTED BY THYSSENKRUPP STAHL AG AND ENTERED, OR WITHDRAWN FROM WAREHOUSE,

FOR CONSUMPTION DURING THE PERIOD 01/01/2000 THROUGH 07/31/2003, ASSESS ANTIDUMPING LIABILITY AT THE CASH DEPOSIT OR BONDING RATE IN EFFECT ON THE DATE OF ENTRY.

3. THESE INSTRUCTIONS CONSTITUTE NOTICE OF THE LIFTING OF SUSPENSION OF LIQUIDATION OF ENTRIES OF SUBJECT MERCHANDISE DURING THE PERIOD 01/01/2000 THROUGH 07/31/2003. FOR ALL OTHER

SHIPMENTS OF CERTAIN CORROSION-RESISTANT CARBON STEEL FLAT PRODUCTS FROM GERMANY YOU SHALL, UNLESS OTHERWISE INSTRUCTED, CONTINUE TO COLLECT CASH DEPOSITS OF ESTIMATED ANTIDUMPING DUTIES FOR THE MERCHANDISE AT THE CURRENT RATES.

4. THERE ARE NO INJUNCTIONS APPLICABLE TO THE ENTRIES COVERED BY THIS INSTRUCTION.

5. THE ASSESSMENT OF ANTIDUMPING DUTIES BY CBP ON SHIPMENTS OR ENTRIES OF THIS MERCHANDISE IS SUBJECT TO THE PROVISIONS OF SECTION 778 OF THE TARIFF ACT OF 1930. SECTION 778 REQUIRES THAT CBP PAY INTEREST ON OVERPAYMENTS, OR ASSESS INTEREST ON UNDERPAYMENTS, OF THE REQUIRED AMOUNTS DEPOSITED AS ESTIMATED ANTIDUMPING DUTIES.

THE INTEREST PROVISIONS ARE NOT APPLICABLE TO CASH OR BONDS

POSTED AS ESTIMATED ANTIDUMPING DUTIES BEFORE THE DATE OF PUBLICATION OF THE ANTIDUMPING DUTY ORDER.

INTEREST SHALL BE CALCULATED FROM THE DATE PAYMENT OF ESTIMATED ANTIDUMPING DUTIES IS REQUIRED THROUGH THE DATE OF LIQUIDATION. THE RATE AT WHICH SUCH INTEREST IS PAYABLE IS THE RATE IN EFFECT UNDER SECTION 6621 OF THE INTERNAL REVENUE CODE OF 1954 FOR SUCH PERIOD.

6. UPON ASSESSMENT OF ANTIDUMPING DUTIES, CBP SHOULD REQUIRE THAT THE IMPORTER PROVIDE A REIMBURSEMENT STATEMENT AS DESCRIBED IN SECTION 351.402(f)(2) OF COMMERCE'S REGULATIONS. THE IMPORTER SHOULD PROVIDE THE REIMBURSEMENT STATEMENT PRIOR TO LIQUIDATION OF THE ENTRY.

IF THE IMPORTER CERTIFIES THAT IT HAS AN AGREEMENT WITH THE MANUFACTURER, PRODUCER, SELLER, OR EXPORTER, TO BE REIMBURSED ANTIDUMPING DUTIES AND/OR COUNTERVAILING DUTIES, CBP SHOULD DOUBLE THE ANTIDUMPING AND/OR INCREASE THE ANTIDUMPING DUTY BY THE AMOUNT OF THE COUNTERVAILING DUTIES IN ACCORDANCE WITH THE ABOVE-REFERENCED REGULATION. ADDITIONALLY, IF THE IMPORTER DOES NOT PROVIDE THE REIMBURSEMENT STATEMENT PRIOR TO LIQUIDATION, CBP SHOULD PRESUME REIMBURSEMENT AND DOUBLE THE ANTIDUMPING AND/OR COUNTERVAILING DUTIES DUE.

7. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CBP OFFICERS, THE IMPORTING PUBLIC OR INTERESTED PARTIES, PLEASE CONTACT DAVINA HASHMI OR RON TRENTAM AT THE OFFICE OF AD/CVD OPERATIONS, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202) 482-0984 OR (202) 482-3577, RESPECTIVELY (O7:JD).

8.THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

CHRISTINE FURGASON

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party